

### **Remarks/Arguments**

Claims 1-20 and 22 were pending in the application. Claims 1-20 and 22 were rejected. No claims were withdrawn. No claims were merely objected to and no claims were allowed. By entry of the foregoing amendment, claims 6, 8, 13 and 19 are canceled without prejudice or devotion of subject matter to the public, claims 1, 2, 5, 7, 9-11, 14, 15, 17, 18, 20 and 22 are amended, and no new claims are added. Support for the claim amendments may at least be found at page 6, lines 6-7 and 14-15 of Applicants' specification as filed, claims 6, 8, 13 and 19 as originally filed, and the specification, claims and drawings as originally filed. No new matter is presented.

### **Rejections Under 35 U.S.C. §102**

The examiner asserts claims 1-5, 8-13, 18, 19 and 22 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S.P.N. 5,761,651 to Hasebe et al. ("Hasebe"). Applicants traverse the rejection.

Hasebe generally teaches a software charging system having a utilization permitting device for giving permission to use a software storing medium storing ciphered programs or data; and an authorization center capable of communicating with the utilization permitting device for setting a utilizable amount (See Abstract). Hasebe teaches the utilization (or utilizable) amount is a number of days of allowed use of the software program (col. 3, ll. 11-15; col. 10, ll. 32-37). Hasebe does not teach defining the utilization amount according to the number of sales of a game or the number of times a game is played. Hasebe limits its teachings to the amount of time, e.g., 30, 60, 90 days, a game may be used to define the utilization (or utilizable) amount.

In contrast, Applicants' amended independent claims 1, 2, 5, 10, 11, 18 and 22 all recite in part the operation limiting information represents an upper limit of sales of the game apparatus or an upper limit of number of game playing times. Generally, Applicants' claimed license managing system (claim 1), game apparatus (claims 2, 5 and 11), working state managing system (claim 10), information presenting method (claim 18) and computer-readable recording medium (claim 22) are not concerned with how much time the intended user retains the game in his/her possession but rather how often the intended user plays the game or how many sales are

accumulated versus an upper limit of the number of sales. These limitations are referred to as operation limiting information. More importantly, Applicants' aforementioned claims prohibit execution of the game program when a working state of the game apparatus falls outside a range of an operation limit specified by the aforementioned operation limiting information. Therefore, Applicants' claimed game apparatus ceases to function once either the intended user plays the game a specified number of times or the number of sales of the game reaches the prescribed upper limit.

Hasebe does not teach the game apparatus taught therein ceases to function once either the intended user plays the game a specified number of times or the number of sales of the game reaches the prescribed upper limit. Hasebe strictly limits its teachings to the amount of time, e.g., 30, 60, 90 days, a game may be used to define the utilization (or utilizable) amount. Hasebe cannot be considered to teach either explicitly or inherently Applicants' claimed operation limiting information recited in amended claims 1, 2, 5, 10, 11, 18 and 22.

For at least these reasons, Applicants' claims 1, 2, 5, 10, 11, 18 and 22 are patentable and not anticipated by the teachings of Hasebe.

In light of the foregoing, Applicants respectfully request the examiner withdraw the rejection under 35 U.S.C. 102(b) and find claims 1-5, 8-13, 18, 19 and 22 are allowable.

### **Rejections Under 35 U.S.C. §103**

The examiner asserts claims 6 and 7 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hasebe as applied to claim 5 above, and further in view of U.S.P.N. 6,847,942 to Land ("Land"). Applicants traverse the rejection.

Applicants reiterate their remarks with respect to the teachings of Hasebe. Hasebe does not teach defining the utilization amount according to the number of sales of a game or the number of times a game is played. Hasebe limits its teachings to the amount of time, e.g., 30, 60, 90 days, a game may be used to define the utilization (or utilizable) amount (See Abstract; col. 3, ll. 11-15; and, col. 10, ll. 32-37). Hasebe does not teach the game apparatus taught therein ceases to function once either the intended user plays the game a specified number of times or the number of sales of the game reaches the prescribed upper limit. Hasebe strictly limits its teachings to the amount of time, e.g., 30, 60, 90 days, a game may be used to define the

utilization (or utilizable) amount.

The examiner contends Land teaches limiting information that represents an upper limit of sales of the game apparatus (col. 8, ll. 7-34). Applicants contend the examiner has mischaracterized the teachings of Land. First, Land teaches a method and apparatus for managing credit inquiries within accounts receivables. Land's method and apparatus predicts overall cash forecasting for a client based upon customer payment data. And, the method and apparatus taught therein is utilized for account reconciliation and audit verification for tracking transactions at the customer level. When reading column 8, lines 7-34, Land is discussing changing lines of credit for potential customers based upon the customer meeting the pre-determined parameters of a credit investigation. Land further explains how the method and apparatus differentiates between an existing customer and a new customer. However, Land does not teach or suggest the credit inquiry procedure taught therein is utilized as limiting information that represents an upper limit of sales of the game apparatus as recited in Applicants' claims 6 and 7. Moreover, Land does not provide the requisite motivation to alter its teachings, or the teachings of Hasebe, and teach or suggest utilizing the credit inquiry procedure taught therein as limiting information that represents an upper limit of sales of the game apparatus as recited in Applicants' claims 6 and 7.

For at least these reasons, Applicants contend claims 6 and 7 are patentable over and not obvious in light of the combined teachings of Hasebe in view of Land.

In light of the foregoing, Applicants respectfully request the examiner withdraw the rejection under 35 U.S.C. 103(a) and find claims 6 and 7 are allowable.

The examiner asserts claims 14-17 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hasebe in view of U.S.P.N. 5,982,887 to Hirotani et al. ("Hirotani"). Applicants traverse the rejection.

The examiner relies upon Hirotani to teach using a password that represents encrypted identification information of the game apparatus to be licensed. Hirotani generally teaches an encrypted program executing apparatus (See Abstract). In encrypting and decrypting information, Hirotani does not somehow condition the encryption and decryption of information

upon operation limiting information as recited in Applicants' amended claims. The encryption and decryption of information as taught by Hirotani is predicated upon specific information of the apparatus and an identification information which is deviated from the specific information and is given to a legal user of the encrypted program being verified (col. 10, lines 15-23).

Hirotani does not suggest or provide the requisite motivation to alter its teachings, or Hasebe's teachings, and teach predicated its encryption/decryption method and apparatus upon operation limiting information as recited in Applicants' amended claims.

For at least these reasons, Applicants contend claims 14-17 and 20 are patentable and not obvious in light of the combined teachings of Hasebe and in view of Hirotani.

In light of the foregoing, Applicants respectfully request the examiner withdraw the rejection under 35 U.S.C. §103(a) and find claims 14-17 and 20 are patentable.

### **CONCLUSION**

In light of the foregoing, it is submitted that all of the claims as pending patentably define over the art of record and an early indication of same is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,  
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